

3-1-2006

# Substance Abuse Testing Report 2005

Maine Department of Labor

Maine Bureau of Labor Standards

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*Maine Department of Labor*

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## Recommended Citation

Maine Department of Labor; Maine Bureau of Labor Standards; and Bradstreet, Theodore E., "Substance Abuse Testing Report 2005" (2006). *Labor Standards Documents*. Paper 140.  
[http://statedocs.maine.gov/bls\\_docs/140](http://statedocs.maine.gov/bls_docs/140)

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# Substance Abuse Testing Report 2005

# ***2005 Substance Abuse Testing Highlights***

*Substance Abuse Testing Report 2005* is produced as a requirement of the Maine Substance Abuse Testing Law of 1989. All companies with approved Substance Abuse Testing Policies (exclusive of any federally mandated testing) are required to provide information for this report.

**There was an increase of 8.0% in the number of employers who have approved policies to conduct tests, from 287 in 2004 to 310 in 2005.**

- ✓ All are approved to do applicant testing.
- ✓ 32 are additionally approved to do both probable cause and random or arbitrary testing.
- ✓ 24 are additionally approved to do employee probable cause testing only (see Section III, page 2).
- ✓ 2 are additionally approved to do random or arbitrary testing only (see Section III, page 2).

**The reported number of job applicants tested increased 1.0% from 16,702 in 2004 to 16,876 in 2005.**

- ✓ The number of applicant positive tests decreased from 802 (4.8%) in 2004 to 706 (4.2%) in 2005.
- ✓ 18 employees were given tests for probable cause.
- ✓ 9 (50%) positive results were obtained

**863 employees were given random or arbitrary tests.**

- ✓ 34 (3.9%) positive results were obtained

**Industry breakout of employers with approved substance abuse testing policies.**

This is not exactly comparable to breakouts for previous years, since it is based on the North American Industry Classification System (NAICS), whereas the Standard Industrial Classification (SIC) system has been used in the past. The higher ranking of the Services industry with regard to previous years is at least partly due to reclassification of employers under the NAICS system.

- ✓ Manufacturing (NAICS Sectors 31-33) 93 employers
- ✓ Services (NAICS Sectors 51-81) 84 employers
- ✓ Trade (Wholesale & Retail, NAICS Sectors 42-45) 60 employers
- ✓ Construction (NAICS Sector 23) 37 employers
- ✓ Utilities (NAICS Sector 22) 11 employers
- ✓ Public Administration (NAICS Sector 92) 11 employers
- ✓ Other 14 employers

**The most commonly abused substances identified from all tests were cannabinoids (75.3%), cocaine (9.6%), amphetamines (5.7%), methadone (2.7%), and barbiturates (2.1%).**



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# **Substance Abuse Testing Report 2005**

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March 2006

Augusta, Maine

The Maine Department of Labor provides equal opportunity employment and programs.  
Auxiliary aids and services are available to individuals with disabilities upon request.

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## **SECTION I**

### **Background**

The Maine Department of Labor (MDOL) is submitting this report to the Joint Standing Committee on Labor in accordance with the Maine Substance Abuse Testing Law, Title 26 M.R.S.A. §690. This report pertains only to employer testing activities under Maine law. **It is not a comprehensive study of workplace substance abuse testing because it does not include individuals who are tested under federal testing programs.**

The Maine Substance Abuse Testing Law is intended to protect the privacy rights of employees, yet allow an employer to administer testing; to ensure proper testing procedures; to ensure that an employee with a substance abuse problem receives an opportunity for rehabilitation and treatment; and to eliminate drug abuse in the workplace. Regulation of testing for use of controlled substances has been in effect under Maine law since September 30, 1989.

The administration of this law is a collaborative effort of the following agencies:

◆ **Maine Department of Labor, Bureau of Labor Standards (BLS)**

- Reviews and approves substance abuse testing policies.
- Conducts the annual survey of substance abuse testing.
- Analyzes testing data and publishes the annual report.

#### **Model Policies**

Model policies developed by the Maine Department of Labor help employers develop substance abuse policies for their workplaces and make it easier for the MDOL to review company policies. (See Appendix 5 for model applicant policy.) The model applicant policy, model applicant with point of collection policy, and model employee testing policy are on the MDOL website: <http://www.maine.gov/labor/bls/publications/substanceabuse/modelpolicy.htm>

◆ **Department of Health and Human Services, Health and Environmental Testing Laboratory**

#### **Licensure of Testing Laboratories**

The Department of Health and Human Services (DHHS) Health and Environmental Testing Laboratory is responsible for the licensure of laboratories that Maine employers can use for testing of controlled substances. There are 15 laboratories licensed by the State of Maine to do the substance abuse tests for Maine employers with approved testing policies. Of the 14 substance abuse testing laboratory licenses that were due for renewal in 2005, all were renewed and one new lab was added. (See Appendix 3).

◆ **Department of Health and Human Services, Office of Substance Abuse**

- Reviews and approves employee assistance programs for employers who do probable cause or random and arbitrary testing.

#### **Approval of Employee Assistance Programs (EAP)**

Any employer with more than 20 full-time employees must have a functioning EAP prior to testing their employees as stated in Title 26 M.R.S.A. § 683, 1. The EAP must be certified by



DHHS and certification must be renewed every two years. Twenty-eight EAPs were certified in 2005, bringing the total EAPs to 45 for companies with substance abuse testing policies. Some EAPs are certified for parent companies and cover multiple locations that may be listed separately. (See Appendix 2).

## **SECTION II**

### **Substance Abuse Testing Policy Review and Approval**

In 2005, the Maine Department of Labor (MDOL) received 49 individual substance abuse testing policy submissions for review. MDOL staff completed 44 reviews. There were 5 policies with reviews pending as of December 31, 2005 (See Table 1).

Any employer desiring to do substance abuse testing, other than federally regulated testing, must submit a substance abuse testing policy to the Maine Department of Labor. An employer may not commence testing until the MDOL has notified the employer that the policy has been approved and the employer has given proper notice to its employees. Title 26 M.R.S.A. § 689 addresses the penalties that can be assessed if an employer conducts substance abuse testing without an approved testing policy.

**Table 1**

#### **Substance Abuse Testing Policies Reviewed Maine, 2005**

Reviews Completed	44
Policies Approved	37
Policies Denied	7
Reviews Pending	5

## **SECTION III**

### **Types of Testing**

Drug testing policies may be approved for one or all of the following types of testing:

- ◆ job applicant testing
- ◆ employee testing
  - probable cause testing - where reasonable grounds exist to believe that an employee may be under the influence of a substance of abuse.
  - random/arbitrary testing - a method of selecting people to be tested where all potential testees have an equal chance of selection by chance or where testing is based on criteria unrelated to substance abuse such as a date of hire anniversary.

## SECTION IV

### Survey Results

Each employer with a policy approved by the Maine Department of Labor must participate in an annual survey. Information gathered in the survey includes the number of tests by type (applicant, probable cause or random/arbitrary), the substances tested for, and the number of positive tests for each substance.

### *Job Applicant Testing*

The reported number (16,876) of job applicant tests conducted in 2005 increased by 1.0% from 2004. In 2005, 4.2% of the job applicant tests conducted had positive results, compared to 4.8% in 2004. Cannabinoids (76.1%), cocaine (9.3%), and amphetamines (5.8%) were the most frequently identified substances. Other identified substances include methadone (2.7%), barbiturates (2.0%), and opiates (2.0%). Benzodiazepines, alcohol, and phencyclidine were each identified in 1.0% or less of the tests. (See Table 2). See Appendix 6 for controlled substances and drug names.

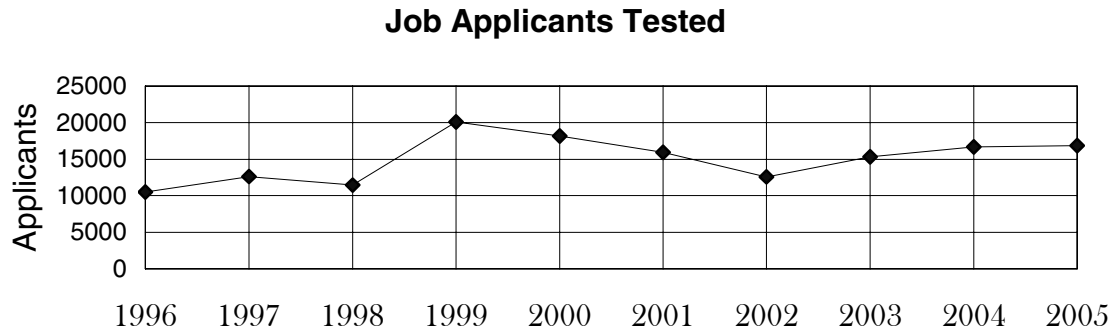
**Table 2**  
**Results of Job Applicant Tests**  
**Under Approved Policies**  
**Maine, 2005**

	<u>Tests</u>	<u>As Percent of All Tests</u>	<u>As Percent of Positive Tests</u>
<b>Total Job Applicant Tests</b>	<b>16,876</b>	<b>100.0</b>	
Positive Results	<b>706</b>	<b>4.2</b>	<b>100.0</b>
Cannabinoids	537	3.2	76.1
Cocaine	66	0.4	9.3
Amphetamines	41	0.2	5.8
Methadone	19	0.1	2.7
Barbiturates	14	0.1	2.0
Opiates	14	0.1	2.0
Benzodiazepines	7	-.	1.0
Alcohol	5	-.	0.7
Phencyclidine	3	-.	0.4

-. Indicates a value of less than 0.05 percent.

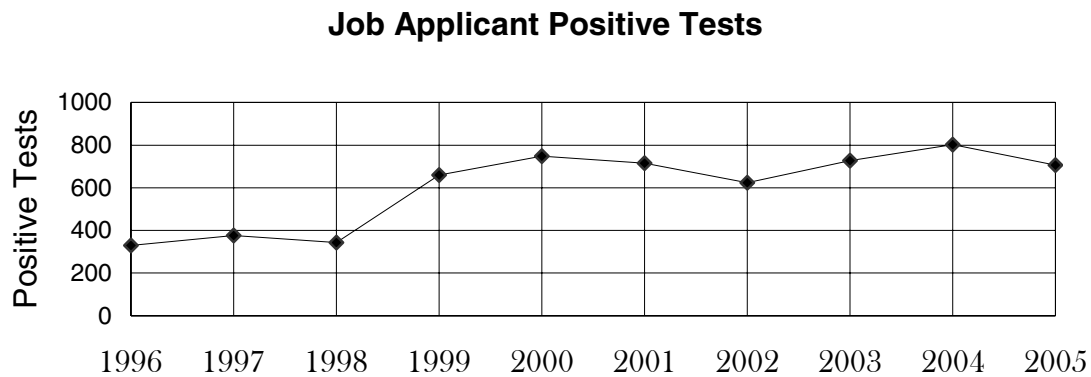
The following graph shows the number of job applicants tested for controlled substances for the years 1996 to 2005.

**Figure 1**



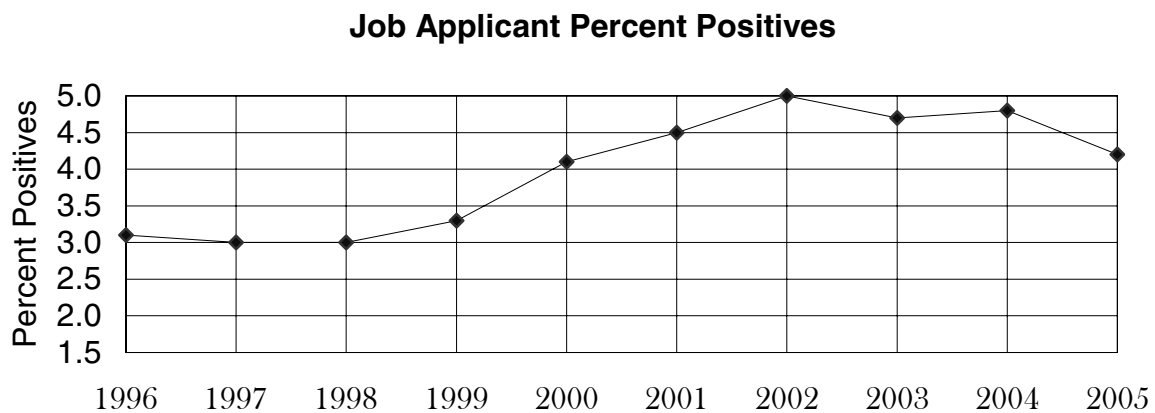
The graph below indicates the number of positive tests for job applicants from 1996 to 2005.

**Figure 2**



The following graph shows the percentage of positive tests for job applicants each year from 1995 to 2004.

**Figure 3**

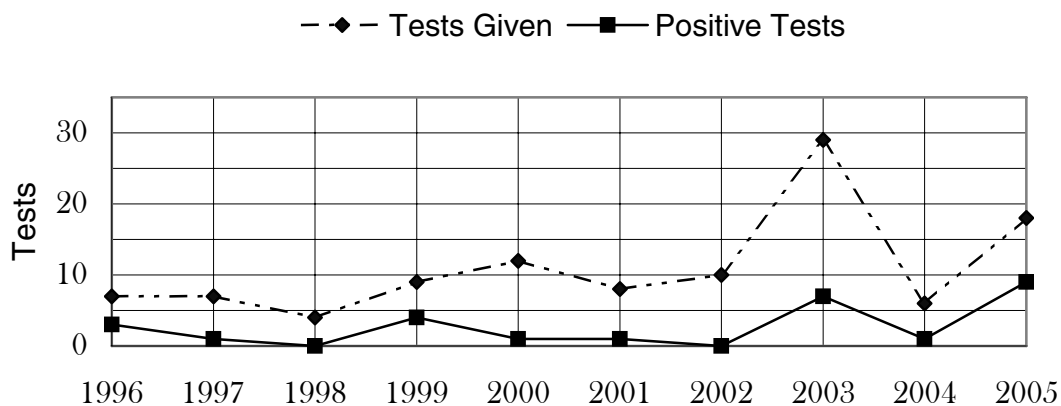


## Employee Testing

A total of 881 employee tests were conducted in 2005 with 43 positive results. Eighteen of the tests were for probable cause. Of these, there were nine confirmed positives (50.0%), three for alcohol (33.3%), two (22.2%) each for cannabinoids, and cocaine, and one each (11.1%) for benzodiazepine and methadone. The following graph illustrates the number of probable cause tests done and the number of positives for the years 1996 through 2005.

**Figure 4**

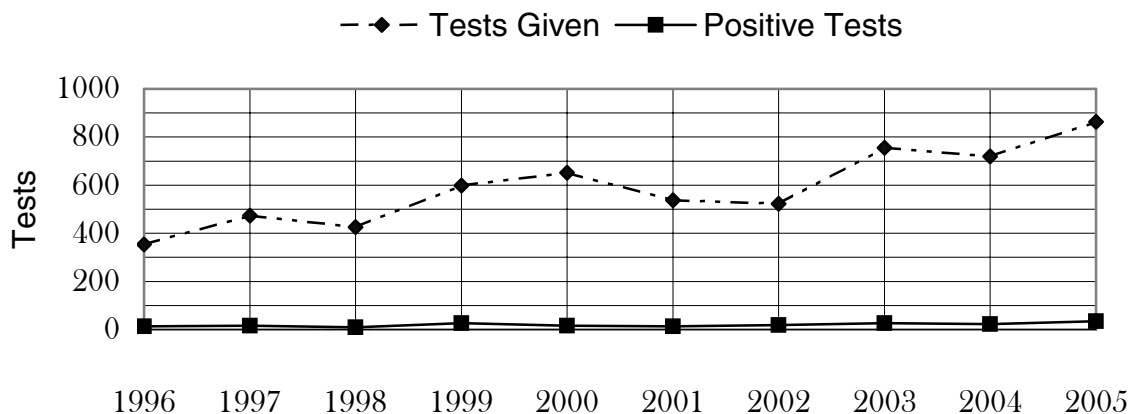
### Employee Probable Cause Testing



Random or arbitrary testing accounted for 863 of the employee tests. Of these, 34 (3.9%) were confirmed positive: 24 (70.6%) for cannabinoids and five (14.7%) for cocaine. The following graph shows the trend for random and arbitrary tests for the years 1996 through 2005.

**Figure 5**

### Employee Random or Arbitrary Testing



\* Range of positive test results is from 2 to 34.

## SECTION V

### Analysis of All Results (Applicants & Employees)

A total of 17,757 tests were conducted in 2005. The manufacturing industry had the most substance abuse testing policies and conducted 4,167 tests, with 4.2% positive. The wholesale and retail trade industry conducted 4,470 tests, with 3.6% positive. The services industry conducted 6,086 tests, with 4.3% positive. Transportation and public utilities conducted 457 tests with 3.9% positive tests. The construction industry conducted 2,402 tests, with 5.5% positive. (See Table 3).

**Table 3**

**Results of All Tests Under  
Approved Policies, by Industry  
Maine, 2005**

<b><u>Industry</u></b>	<b><u>Number of Policies</u></b>	<b><u>Number of Tests</u></b>	<b><u>Number of Positives</u></b>	<b><u>Percent Positive</u></b>
<b>All Industries</b>	<b>310</b>	<b>17,757</b>	<b>749</b>	<b>4.2</b>
<b>Construction</b>	<b>37</b>	<b>2,402</b>	<b>131</b>	<b>5.5</b>
Heavy Construction	7	1,433	75	5.2
Other Construction	30	969	56	5.8
<b>Manufacturing</b>	<b>93</b>	<b>4,167</b>	<b>175</b>	<b>4.2</b>
Plastics/Rubber	7	353	21	5.9
Food Products	7	615	19	3.1
Electronic/Electrical Equipment	8	258	6	2.3
Wood Products	13	257	18	7.0
Paper Products	17	928	25	2.7
Other Manufacturing	41	1,756	86	4.9
<b>Transportation and Public Utilities</b>	<b>21</b>	<b>457</b>	<b>18</b>	<b>3.9</b>
<b>Trade</b>	<b>60</b>	<b>4,470</b>	<b>162</b>	<b>3.6</b>
Retail	29	3,873	127	3.3
Wholesale	31	597	35	5.9
<b>Services</b>	<b>84</b>	<b>6,086</b>	<b>262</b>	<b>4.3</b>
Healthcare and Social Assistance	10	1,644	36	2.2
Professional/Tech/Scient Svcs	13	104	1	1.0
Other Services	61	4,338	225	5.2
<b>Other</b>	<b>15</b>	<b>175</b>	<b>1</b>	<b>0.6</b>

A drug-testing panel consists of the list of substances specified in the employer's policy for which the employer will test. Although there are variations in the drug testing panels used by different employers, nearly all employers test for cannabinoids, cocaine and amphetamines. Among those tested, cannabinoids remain the substance with the highest percentage of positive tests, followed by cocaine. The substance least tested for is alcohol. Only 67 of the 233

companies who tested in 2005 included alcohol in their drug-testing panel. Of all the tests conducted during 2005, 4.2% were positive. The highest percentage of positives for an individual substance was 3.2%, for cannabinoids. (See Table 4).

**Table 4**  
**Results of All Tests Under**  
**Approved Policies, by Specific**  
**Controlled Substance**  
**Maine 2005**

<b><u>Substance</u></b>	<b><u>Employers Testing During Year</u></b>	<b><u>Total Tests</u></b>	<b><u>Total Positives</u></b>	<b><u>Percent Positives*</u></b>
<b>All Substances</b>	<b>**233</b>	<b>17,757</b>	<b>749</b>	<b>4.2</b>
Cannabinoids	230	17,729	563	3.2
Cocaine	230	17,719	73	0.4
Amphetamines	229	17,678	43	0.2
Opiates	230	17,738	15	0.1
Phencyclidine	224	17,257	4	-.-
Barbiturates	135	10,255	14	0.2
Benzodiazepines	130	10,236	8	0.1
Methadone	114	8,251	20	0.2
Methaqualone	94	6,511	0	-.-
Alcohol	67	4,553	9	0.2

*\*Percent positives of all tests conducted.*

*\*\*64 companies with approved policies did no testing in 2005 and 13 failed to report in time to be included in this report.*

*-. Indicates a value of less than 0.05 percent.*

The following table shows the trend of drug testing from 1996 through 2005. The number of employers with approved policies has increased from 134 in 1996 to 310 in 2005. The total number of tests given has decreased 15.9% since the peak of 20,725 in 1999. The percentage of positive tests has fluctuated, with the lowest (2.4%) in 1995 and the highest (4.9%) in 2002. Positive results for job applicant testing were lowest (2.4%) in 1995 and highest (5.0%) in 2002. The highest number of probable cause tests was in 2003. Positive probable cause was lowest (0.0%) in 1998 and 2002, and highest (44.4%) in 1999. The percentage of positive random tests was lowest (0.9%) in 1995 and highest (4.5%) in 1999.

**Table 5**  
**Yearly Totals by Type of Test**  
**Applicants/Employees**  
**1996-2005**

Year	Number of Employers w/ Policies	Total Tests	Total Positives	Percent Positive	Applicant Tests	Applicant Positives	Percent Positive	Probable Cause Tests	Probable Cause Positives	Percent Positive	Random Tests	Random Positives	Percent Positive
2005	310	17,742	749	4.2	16,876	706	4.2	18	9	50.0	863	34	3.9
2004	287	17,428	826	4.7	16,702	803	4.8	6	1	16.7	720	22	3.1
2003	271	16,129	761	4.7	15,345	727	4.7	29	7	24.1	755	27	3.6
2002	252	13,128	642	4.9	12,595	624	5.0	10	0	-.	523	18	3.4
2001	239	16,492	730	4.4	15,947	716	4.5	8	1	12.5	537	13	2.4
2000	226	18,827	765	4.1	18,164	748	4.1	12	1	8.3	651	16	2.5
1999	200	20,725	691	3.3	20,118	660	3.3	9	4	44.4	598	27	4.5
1998	164	11,888	352	3.0	11,459	343	3.0	4	0	-.	425	9	2.1
1997	147	13,097	392	3.0	12,616	375	3.0	7	1	14.3	474	16	3.4
1996	134	10,854	346	3.2	10,493	330	3.1	7	3	42.9	354	13	3.7

-. Indicates a value of less than 0.05%

**Figure 6**

**Employers With Approved**  
**Substance Abuse Testing Policies**  
**1996-2005**

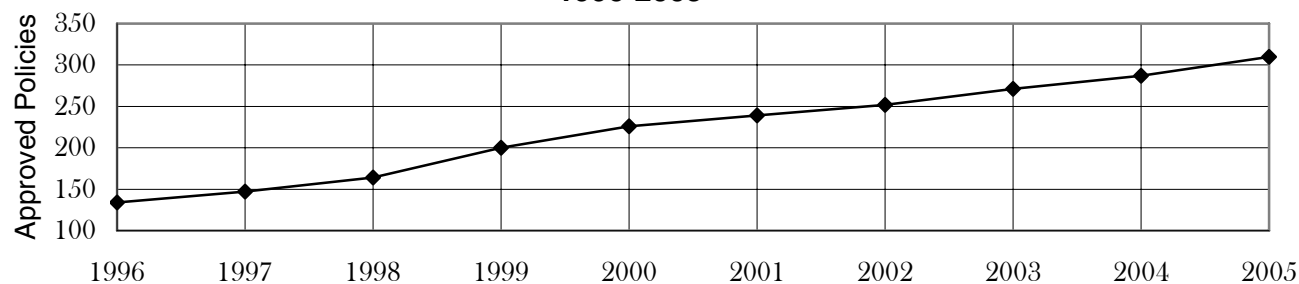


Table 6 shows the cumulative total of tests and positives for job applicants and employees from 1996 through 2005. It also shows the percentage positive for each substance as it relates to the total number of tests and to the total number of positives. The data shows that of the controlled substances tested for, cannabinoids had the highest percentage of positives by a full order of magnitude.

**Table 6**  
**Positives By Substance**  
**1996 - 2005 (Cumulative)**

	Number of Tests	As % of All Tests	As % of Positives
<b>Total Tests</b>	<b>156,325</b>	<b>100.0</b>	*****
Total Positives	<b>6,254</b>	<b>4.0</b>	<b>100.0</b>
Cannabinoids	5,341	3.4	85.4
Cocaine	427	0.3	6.8
Opiates	182	0.1	2.9
Amphetamines	116	0.1	1.9
Barbiturates	65	-.	1.0
Alcohol	62	-.	1.0
Benzodiazepines	61	-.	1.0
Methadone	40	-.	0.6
Phencyclidines	12	-.	0.2
Unspecified	10	-.	0.2
Invalid Tests	171	0.1	*****

*-. Indicates a value of less than 0.05%*

## **SECTION VI**

### **Summary**

During 2005, the Maine Department of Labor reviewed 49 substance abuse testing policies. Of the 49 reviewed, 37 new policies or amendments were approved, 7 policies were denied pending submission of revisions, and 5 policies were pending at year's end. Nine policies became inactive because the employer went out of business, ceased operation in Maine, or reported to the Department that it no longer intended to do substance abuse testing and asked to be placed on inactive status.

As of December 31, 2005, a total of 310 approved policies were in force.

The Department of Labor surveys all employers with approved policies for this report. The 2005 survey showed that 16,876 job applicants had been tested, with 706 (4.2%) confirmed positive tests. There were 18 employee probable cause tests, with 9 (50.0%) reported as positive and 863 employee random or arbitrary tests, with 34 (3.9%) positives reported.



## **Appendix 1**

### **Employers with Approved Policies**

The following is a listing of employers with approved substance abuse testing policies, the date of initial approval and the type of testing allowed.

---

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
AAA Automobile Association	10/29/03	X		
AIMCO (Apartment & Investment Management Co.)	04/30/01	X		
A V X Tantalum Corp.	09/27/00	X		
Acme - Monaco Corp.	01/07/03	X		
Adecco (formerly Olsten Staffing Service)	08/12/97	X		
Adelphia (formerly Frontier Vision)	04/26/99	X		
Advantage Gases and Tools	04/29/04	X	X	
Aetna Inc.	02/16/00	X		
Air Temp Inc.	08/06/03	X		
Aldworth Company Inc.	06/11/02	X		
Alexander & Associates	01/02/01	X	X	
All Seasons Services Inc.	06/23/00	X		
Alliance Construction Inc.	05/14/01	X		
Allstate Insurance Co.	03/25/91	X		
Alternative Warehouse Services Inc. (AWS)	02/24/99	X		
American Industrial Refrigeration	12/03/04	X		

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Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
American Red Cross Blood Svcs. North Eastern Region	08/22/05	X		
American Steel & Aluminum Corp.	04/30/01	X		
Associated Grocers of Maine Inc.	05/01/03	X	X	
AT WORK Personnel Services	07/02/96	X		
Atlantic Salmon of Maine	12/28/98	X		
Auburn, City of	06/09/94	X		
B E & K	06/03/91	X	X	X
B J's Wholesale Club	06/09/94	X		
Baileyville Police Dept.	02/24/99	X	X	X
Bancroft Contracting	02/01/94	X		
Bangor Area Visiting Nurses	12/16/92	X		
Bangor Gas Company	06/11/02	X	X	
Bangor International Airport	10/26/05	X	X	X
Barber Foods	09/09/97	X		
Bath Iron Works Corp.	02/27/90	X	X	X
Bath Water District	01/29/03	X		
Best Buy Stores LP	12/16/98	X		
Black & Veatch	06/19/98	X		
Blake Equipment	12/21/98	X	X	
Bob's Discount Furniture Inc.	03/11/04	X		
Bonney Staffing & Training Centers	01/02/03	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Brewer Automotive Components (BAC)	09/17/99	X		
Brewer, City of	12/12/00	X		
Bright Horizons Family Solutions	04/30/02	X		
Brockway-Smith Co.	01/28/03	X		
Burnham & Morrill	09/04/02	X		
CCB, Inc. (formerly KCS Inc.)	06/02/98	X		
C N Brown	06/06/01	X		
Cable Constructors Inc.	06/21/02	X	X	X
Calais, City of	06/03/03	X		
Calpine Corporation (formerly Energy Mgmt. Inc.)	10/18/99	X		
Cambrex BioScience Rockland	12/23/05	X		
Carquest Distribution Center	11/25/97	X	X	X
Casella Waste Systems, Inc.	12/16/98	X		
Cates & Associates	04/13/05	X		
Cates Temporary Agency	04/13/05	X		
Central Maine Power Co.	10/18/90	X		
Chadwick-BaRoss Inc.	07/21/93	X		
Cianbro Corp.	02/27/90	X	X	X
Circuit City Stores, Inc.	10/31/96	X		
Cives Steel Co.	10/18/90	X	X	

## Appendix 1

## Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Coca-Cola Bottling Co. of Northern New England, Inc.	12/29/92	X	X	
Columbia Air Services – BHB	06/23/05	X	X	
Commercial Delivery Systems	05/13/05	X	X	X
Commercial Paving Co., Inc.	02/18/04	X		
Community Concepts	10/24/01	X		
Consolidated Container Corp. (formerly Maine Plastics)	07/21/00	X		
Control Devices, Inc.	04/17/96	X		
Cooper Wiring Devices (formerly Arrow Hart)	07/24/90	X		
Corning Inc., Life Sciences Div.	09/19/01	X		
CYRO Industries	07/24/90	X		
D & G Machine Products	07/31/91	X		
DSW Shoe Warehouse	11/19/04	X		
Damon Mechanical Services	04/13/05	X		
Dennis Beverage Co. dba Dennis Paper Co.	12/24/91	X		
Dielectric	07/09/99	X		
Directech NE	09/15/05	X		
Diver Down Underwater Services	12/04/01	X		
Domtar Industries (formerly Georgia Pacific)	07/31/91	X	X	

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Down East Toyota Buick & Down East Auto Body of Brewer	02/09/00	X		
Duratherm Window Corp.	10/08/03	X		
E D S Corporate Security	01/24/01	X		
EFMark Services Co.	10/23/97	X		
E. S. Boulos Co.	06/02/98	X		
Eastern Fire Protection/Eastern Sprinkler Services	10/08/03	X		
Eastern Maine Health Care	01/15/91	X		
Eaton Electrical Inc. (formerly Cutler – Hammer, Inc)	09/02/99	X		
Edwards Systems Technology	05/01/03	X		
Ellsworth Builders Supply, Inc.	09/25/90	X		
Emery Waterhouse	04/08/98	X		
Energy East Management Corp.	07/07/03	X		
Enterprise Engineering Inc.	09/10/02	X	X	X
Equipment Rental Service, Inc. (d/b/a Taylor Rental)	03/02/99	X		
ESOCO Orrington, Inc.	06/03/92	X		
FMC Biopolymer Corp.	03/22/90	X	X	X
F P L Energy Maine Operating	06/23/00	X		
Fiber Materials, Inc.	06/27/90	X		
First Protection Services Inc.	02/18/04	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Fisher Engineering	04/17/96	X	X	
Flemish Master Weavers (formerly Rainbow Rugs)	11/21/90	X		
Formed Fiber Technologies, Inc. (formerly Gates Formed-Fibre Products, Inc.)	12/12/00	X		
FormTek (dba Cooper Weymouth Peterson)	04/23/04	X		
d. e. Foxx & Associates.	06/22/04	X		
Freshwater Stone & Brick	11/19/04	X		
Fulghum Fibres	10/08/97	X		
GAC Chemical Corporation	08/19/05	X		
Gagne & Son Concrete Blocks Inc.	03/12/04	X		
Garelick Farms of Maine (formerly Grant's Dairy)	05/20/98	X		
General Dynamics Armament Systems (formerly Saco Defense)	02/28/90	X		
General Electric Co. Auburn	10/18/90	X		
General Electric Co. Bangor	05/24/90	X		
Genuine Parts Co.	09/27/05	X	X	
Georgia Pacific Corp. (formerly James River Corp.)	02/27/90	X		
Giroux Oil Service Co. Inc.	11/03/04	X		
G.E. Goding & Son, Inc.	04/20/90	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Grainger Industrial Supply	05/30/00	X		
Great Works Internet	08/11/05	X		
Guardsmark, Inc.	12/05/96	X		
Guerin Associates	01/06/04	X		
HMS Host Corp. (formerly Host Marriott Services)	01/05/96	X		
Hale Trailer Brake & Wheel Inc.	08/06/03	X		
Hampden, Town of	01/27/99	X		
Hancock Lumber Co.	04/29/91	X		
Hannaford Brothers Co.	05/18/93	X	X	X
Healthsouth Corp.	10/20/97	X		
Hertz Corporation, The	06/11/02	X		
Hilton Garden Inn (Olympia Equity Investors V)	06/03/03	X		
Hinckley Co. LLC, The	09/04/02	X		
Hollywood Slots of Bangor	6/29/05	X		
Home Depot	11/01/96	X		
Horton's of Maine – Phoenix Salmon	05/05/00	X		
H P Hood, Inc.	05/15/03	X		
Huber, J.M. Corp., Easton Department	04/29/91	X	X	
Huhtamaki Food Services Inc. (formerly Chinet Co.)	07/24/90	X	X	

## Appendix 1

## Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Hussey Seating Co.	12/24/90	X		
Ikon Office Solutions	02/24/99	X		
Imerys Pigments & Additives Group	07/14/00	X		
Immix Technologies, LLC	10/24/00	X		
INFAB Refractories	07/22/93	X		
Innovative Distribution Services (aka Speedy Warehouse Svc.)	09/01/00	X		
Interface Fabrics Group (Guilford of Maine)	01/26/99	X		
International Paper Co., Androscoggin Mill	11/05/90	X	X	
International Paper Co., Bucksport Mill	03/23/90	X	X	X
International Paper Co., Woodlands Northeast Region	04/23/91	X		
Interstate Brands (formerly J J Nissen)	01/03/92	X		
Irving Forest Products (Pinkham Lumber)	07/23/02	X	X	X
Irving Tanning Co.	12/27/93	X		
JF2 dba On Target Utility Svcs	12/08/05	X	X	X
Jagger Bros.	05/14/01	X		
Jean's Waterproofing Inc.	07/08/04	X		
Johns Manville - Lewiston	01/21/97	X		
Johns Manville - Portland	01/21/97	X		



Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Johnson & Jordan	03/11/05	X		
Kassbohrer All Terrain Vehicles, Inc.	10/24/00	X		
Katahdin Forest Products/Cedar Ideas	01/18/05	X	X	
Katahdin Paper Company LLC (formerly Great Northern Paper)	04/15/03	X	X	X
Kelly Services Inc.	01/03/03	X		
Kennebunkport Police Dept.	03/28/02	X		
Kids Peace National Centers of New England	05/05/00	X		
Knight–Celotex (formerly Masonite Corp.)	06/09/94	X		
Kohl’s Department Stores	08/04/04	X		
Kravco Company	04/13/95	X		
L & B Electrical Contractors Inc.	02/25/03	X		
LKQ Gorham Auto Parts Inc.	12/06/04	X	X	
LMS Intellibound Inc.	02/18/04	X		
Lane Construction Corp.,	12/16/92	X		
Larkin Enterprises	01/08/03	X		
Lemforder Corp.	12/03/91	X		
Lincare Inc.	02/09/00	X		
Lincoln National Life Ins. Co.	08/01/97	X		
Lincoln Paper & Tissue, LLC (Lincoln Pulp & Paper Co.)	07/24/90	X		
Lohmann Animal Health	12/06/01	X		

## Appendix 1

## Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Longview Inspections	10/06/00	X		
Louisiana-Pacific Corp., Houlton	05/20/98	X	X	X
Lowe's Home Centers, Inc.	11/03/04	X		
Lucas Tree Experts	04/29/91	X		
Madison Paper Industries	04/19/90	X		
Maine Biological Laboratories	12/04/01	X		
Maine Business Services dba Manpower	04/30/02	X		
Maine Community Publications	08/24/05	X		
Maine Drilling & Blasting	09/09/99	X		
Maine Public Service Co.	06/13/90	X		
Maine Rubber International	05/15/90	X		
Maine Today	08/24/05	X		
Maine Woods Co., LLC	04/21/99	X		
Mainely Vinyl, Inc.	09/21/98	X		
Marion Transfer Station	04/12/05	X	X	X
Marriott International, Inc.	10/17/95	X		
MBNA New England	06/30/93	X	X	
McCain Foods, Inc.	02/24/92	X	X	X
MeadWestvaco Corp.	03/19/90	X	X	X
Medical Staffing Network	03/28/02	X		
Mexico Water District	10/29/03	X	X	

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Mid Maine Communications	12/31/03	X		
Mid-State Machine Products	05/15/90	X	X	X
Midwest-Price Co., LLC	09/27/00	X	X	X
Milo Water District	09/15/04	X	X	X
Milton CAT	08/02/05	X		
Montreal, Maine & Atlantic Railway (formerly Bangor & Aroostook RR)	06/19/98	X		
Mount Hope Cemetery Corp.	04/15/95	X		
NCS Healthcare of Kennebunk	12/03/03	X	X	X
NRF Distributors	06/30/04	X		
National Semiconductor Corp.	12/22/99	X		
Naturally Potatoes	11/18/05	X		
New England Insulation	04/29/99	X		
New England Truck & Tire Centers	04/08/04	X		
New Horizons	06/01/01	X		
New York Life Insurance Co.	03/28/02	X		
Newark Paperboard	08/15/97	X		
Nexfor Fraser Papers (formerly Fraser Papers)	04/15/94	X		X
Nichols - Portland (Div. Parker Hannifin)	12/22/98	X		
Northcenter Foodservice Corp.	09/19/90	X		
Northeast Airmotive	09/18/01	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Northeast Cardiology Associates PA	11/03/05	X		
Northeastern Environmental Services	07/21/00	X		
Northeastern Log Homes, Inc.	04/21/00	X		
Nortrax	09/11/02	X		
Norway – Paris Solid Waste Inc.	07/07/04	X		
O’Connor Constructors	07/09/99	X		
Oakhurst Dairy	02/28/90	X		
Old Town Canoe	02/25/03	X	X	
Old Town Lumber Co., Inc.	04/21/00	X		
Omnicare Pharmacy of Maine (incl. Pharm Corp of Maine)	03/29/02	X	X	X
Oxford Networks	12/03/03	X		
PAGEmployment	06/04/04	X		
Penobscot Co. Sheriff’s Dept.	08/11/98	X		
Penobscot Regional Communications Center	01/27/99	X		
Pepsi Bottling Group (formerly Seltzer & Rydholm)	12/29/92	X		
Perma Treat Corp.	03/13/01	X		
Permond Solutions Group Inc. (dba First Line Solutions)	04/27/01	X		
Philip Services Corp. (formerly Allwaste)	11/10/93	X		X

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Philips Electronics (dba Elmet Technologies)	10/04/90	X		
Pike Industries (formerly Tilcon, also Bridge)	10/04/90	X		
Pine State Trading Co.	08/02/05	X		
Pioneer Plastics Corp. dba Panolam Industries Int'l	09/19/90	X		
Pizzagalli Const. Co.	05/26/98	X		
Pleasants Hardware Co.	10/20/97	X	X	X
Plum Creek Timber Co.	10/15/98	X		
Poland Spring Bottling Co.	06/08/99	X		
Pollack Corp., The dba G. M. Pollack & Son	08/25/92	X		
Portland Air Conditioning	02/15/05	X		
Portland Fish Exchange	06/03/03	X		
Portland Press Herald/ Maine Sunday Telegram	08/24/05	X		
Portland Water District	09/04/02	X		
Pratt & Whitney Div. of United Technologies Corp.	06/22/90	X	X	
Prescott, Everett J.	02/25/00	X		
Progressive Distributors	05/18/93	X		
Project Staffing	12/23/05	X		
Prudential Financial	11/01/05	X		
Radiodetection Corp.	09/05/03	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Rare Hospitality International, Inc.	09/17/99	X		
Reed & Reed Inc.	06/25/92	X		
Rentway Inc.	09/10/02	X		
Riley Medical, Inc.	08/17/93	X		
R T S Packaging, LLC	05/28/91	X	X	X
SBA Network Services	02/04/04	X	X	X
Saint Gobain BTI, Inc. (formerly Brunswick Technologies)	07/09/99	X		
Sappi Fine Paper - Somerset	05/28/91	X	X	
Sappi Fine Paper - Westbrook	04/29/91	X	X	
Sargent, H.E., Inc.	04/17/96	X		
Scarborough, Town of	01/16/03	X		
Scholastic Book Fairs	05/02/01	X	X	X
Seaboard Security Services	09/15/04	X		
Sears Roebuck & Co.	07/30/99	X		
Securitas Security Services	09/15/04	X		
Shaw's Supermarkets, Inc., Distribution Center	06/10/00	X		
Shaw's Supermarkets, Inc Stores	11/18/05	X		
Sisters of Charity Health System	07/19/95	X		
Skowhegan, Town of	08/28/98	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Smith & Wesson Corp.	03/27/03	X		
Solon Mfg. Co.	07/19/95	X		
Sonoco Products Co.	07/31/91	X		
Specialty Minerals, Inc.	04/06/96	X	X	
Spencer Press Inc.	07/21/00	X		
Sprague Energy Corp.	04/13/95	X		
Springborn Staffing/ Industrial Staffing	11/15/05	X		
Spudnik Equipment Co.	08/16/05	X		
St. Paul Companies	07/24/90	X		
Staff Management (Seaton Corp.)	01/20/04	X		
Standard Insurance Co.	03/25/03	X		
Standard Waterproofing	04/13/98	X		
Station Class Constructors	01/26/01	X	X	X
Sullivan and Merritt, Inc.	05/18/93	X		
S.W. & B. Construction	04/29/91	X	X	X
T-Mobile	07/19/05	X		
Tambrands	01/13/99	X		
Target Corporation	07/09/01	X		
Thurrott, D.L., Inc.	01/28/02	X		
Time Warner Cable of Maine	01/20/04	X		
Trans-Tech Industries, Inc.	09/27/00	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Tweeter Home Entertainment Group	11/18/05	X		
UBS Financial Services	04/23/04	X		
U. S. Cellular	05/05/00	X		
Unifirst Corp.	05/20/93	X		
Valenite	09/01/05	X		
Verizon (formerly Nynex)	10/05/94	X		
Vescom Corp.	05/18/93	X		
Wal-Mart Stores	03/31/98	X		
Walpole Woodworkers Inc.	02/12/01	X		
Waterville Anesthesia Associates	04/30/93	X	X	X
Watts Fluid Air (Div. Parker Hannifin)	06/24/97	X		
Wausau Papers - Otis Mill Inc.	09/02/99	X		
Webber Oil Co.	04/17/96	X		
WestPoint Stevens	12/22/98	X		
Whatman, Inc.	06/04/03	X		
Wheelabrator-Sherman Energy Co.	08/09/91	X	X	
White, Paul G. Tile Co.	07/21/93	X		
Willette Welding	12/22/99	X		
Wise Business Forms dba EPX	06/03/03	X		



## Appendix 1

Employers with Approved Policies, continued.

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<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Wood Structures, Inc.	03/25/91	X		
WorkSource Staffing Services	03/13/01	X		
Wright-Ryan Construction	03/24/05	X		
Wyman & Simpson, Inc.	05/18/93	X		
Xpedx (formerly Resource Net Int'l)	07/21/93	X		
Zampell Refractories	12/30/93	X	X	X

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## APPENDIX 2

### Employers with Substance Abuse Testing Policies and Approved Employee Assistance Programs as of the end of 2005.

Employers who do probable cause or random/arbitrary testing and have more than 20 full-time employees must have an employee assistance program (EAP) that has been certified by the Department of Health and Human Services.

Company Name	Location
Advantage Gases & Tools	Portland, ME
Associated Grocers of Maine	Gardiner, ME
B E & K	Jay, ME
Bangor Gas Co.	Bangor, ME
Bangor International Airport	Bangor, ME
Bath Iron Works Corp.	Bath, ME
Carquest Distribution Center	Bangor, ME
Cianbro, Inc.	Pittsfield, ME
Cives Steel Co.	Augusta, ME
Coca-Cola Bottling Co. of New England	Portland, ME
Commercial Delivery Systems	Bangor, Me
Domtar Industries	Baileyville, ME
Energy East Management Corp.*	Augusta, ME
Enterprise Engineering inc.	Yarmouth, ME
Fisher Engineering	Rockland, ME
FMC Biopolymer	Rockland, ME
Genuine Parts Co.	Atlanta, GA
Hannaford Bros. Co.	Portland, ME
Huber, J.M. Corp.	Easton, ME
Huhtamaki Food Services Inc.	Waterville, ME
Interface Fabrics Group*	Guilford, ME
International Paper Co.	Bucksport, ME
International Paper Co.	Jay, ME
Irving Forest Products	Ashland, ME

## Appendix 2

Employers with Substance Abuse Testing Policies and Approved Employee Assistance Programs as of the end of 2005, continued.

Company Name	Location
JF2 dba On Target Utility Svcs.	Gardiner, ME
Katahdin Forest Products/Cedar Ideas	Oakfield, ME
Katahdin Paper Company LLC	East Millinocket, ME
LKQ Gorham Auto Parts	Webster, MA
Louisiana-Pacific Corp.	Houlton, ME
MBNA	Camden, ME
McCain Foods, Inc.	Easton, ME
MeadWestvaco	Rumford, ME
Mid-State Machine Products, Inc.	Winslow, ME
Midwest Price Co.	West Paris, ME
NCS Healthcare of Kennebunk	Kennebunk, ME
Nexfor Fraser Papers	Madawaska, ME
Old Town Canoe	Old Town, ME
Omnicare Pharmacy of Maine	Gardiner, ME
Philip Services Corp.	Portland, ME
Pleasants Hardware	Winston-Salem, NC
Pratt & Whitney	North Berwick, ME
Reed & Reed Inc.*	Woolwich, ME
RTS Packaging, LLC	Scarborough, ME
SBA Network Services	Portland, ME
Sappi Fine Paper	Skowhegan & Westbrook, ME
Specialty Minerals, Inc.	Jay & Madison, ME
SW & B Construction Corp.	Auburn, ME
Union Water Power Co.	Rochester, NY
Wheelabrator-Sherman Energy Co.	Stacyville, ME
Zampell Refractories, Inc.	Lewiston, ME

*Although fifty employers have approved EAPs, three of those companies (asterisks \*) conduct job applicant testing only.*

## **Appendix 3**

### **Laboratories Approved to Do Substance Abuse Testing, 2005**

The following laboratories, none in Maine, were licensed as of the end of 2005 to perform the tests for companies with substance abuse testing policies that have been approved by the Maine Department of Labor.

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<b>Laboratory Name</b>	<b>Address</b>	<b>Date Expires</b>
Advanced Toxicology Network	3560 Air Center Cove, Suite 101 Memphis, TN 38118	11/05/06
Clinical Reference Laboratory	8433 Quivira Rd. Lenexa, KS 66215	08/20/06
Calloway Drug Testing Labs, Inc.	27 Water St. Wakefield, MA 01880	07/01/06*
DrugScan, Inc.	1119 Mearns Rd. Warminster, PA 18974	07/10/06
Kroll Laboratory Specialists, Inc.	1111 Newton St. Gretna, LA 70053	05/08/06
Lab One, Inc.	10101 Renner Blvd. Lenexa, KS 66219	07/27/06
Laboratory Corp. of America Holdings	P.O. Box 12652 1904 Alexander Dr. Research Triangle Park, N.C. 27709	01/10/06
Laboratory Corp. of America Holdings	69 First Ave. Raritan, NJ 08869	03/12/06
MAXXAM Analytics, Inc.	6740 Campobello Rd. Mississauga, Ontario Canada L4Z 1p1	05/15/06
Medtox Laboratories, Inc.	402 West County Rd. D Saint Paul, MN 55112	03/01/06
Northwest Toxicology	2282 South Presidents Dr., Suite C West Valley City, UT 84120	05/05/06

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## Appendix 3

Laboratories Approved to do Substance Abuse Testing, 2005, continued.

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<b>Laboratory Name</b>	<b>Address</b>	<b>Date Expires</b>
Psychemedics Corp.	5832 Uplander Way Culver City, CA 90230	12/27/06
Quest Diagnostics	3175 Presidential Dr. Atlanta, GA 03040	03/12/06
Quest Diagnostics	506 E. State Parkway Schaumburg, IL 60173	08/05/06
Quest Diagnostics	400 Egypt Rd. Norristown, PA 19403	06/24/06

*\* Licensed for initial screening tests only.*

## **Appendix 4**

### **Policy Submission Instructions**

These instructions are to assist you in submitting the paperwork for your Substance Abuse Testing Policy approval.

- ✓ You must submit **two (2) copies** of your policy and accompanying forms/certificates.
- ✓ You must have a **signed cover letter** stating that the **policy complies with all applicable statutes and regulations**.
- ✓ Copies of any forms used should be attached, as well as a copy of the Department of **Health and Human Services certification of an Employee Assistance Program** if the policy is for employee testing.
- ✓ If this is an employee policy, you must provide a description of the method used to consult with the employees as to the development of the policy. This should include how input was received from employees, such as employee meetings or written comments. A written description of how employee input may have been used in the development of the policy should also be included. If the description is not a part of the policy, it should be included in the cover letter.
- ✓ If this is an employee policy, you must also describe the method used to notify the employees of the submission of the plan to the Maine Department of Labor (MDOL), to include the manner in which and time limit that the employees have to comment on the policy to MDOL, and you must also provide the employees with the MDOL address.
- ✓ It is important that the policy be written in such a manner that it is likely to be understood by a large majority of the employees.

If you follow these instructions and the Model Policy, the review and approval of your policy will be expedited.

## Appendix 5

Following is a Model Substance Abuse Testing Policy for applicant testing. There are also Model Substance Abuse Testing Policies for Applicant with Point of Collection Testing and another for employee testing. All of the model substance abuse testing policies can be viewed on the web at <http://www.maine.gov/labor/bls/publications/substanceabuse/modelpolicy.htm>.

### Model Substance Abuse Testing Policy

#### APPLICANTS

##### A. COVERED ESTABLISHMENT

*Company name:* [Provide name, address, etc. of employer]

*Street address:*

*Mailing address:*

*Phone:*

*Contact regarding substance abuse testing policy:*

[Name & Title of Contact]

[Phone Number of Contact]

*Location(s) Covered:* [List Location(s) Covered]

This policy complies with the Maine Substance Abuse Testing Law (26 M.R.S.A. Sec. 681-690) and the Maine Department of Labor Rules relating to Substance Abuse Testing (adopted October 27, 1989).

Applicants will be notified at the time of initial application that they may be tested for Substance Abuse and will be advised where they may review the policy and statute.

Prior to testing, an applicant as defined in this policy shall be provided with a copy of the policy and statute.

##### B. SCOPE OF TESTING

Only individuals who are "applicants" as defined by this program and state law will be tested as "applicants". For the purpose of this program, an "applicant" will not be any person separated from employment by this employer while receiving a mandated benefit from or on account of this employer, including but not limited to Workers' Compensation, Unemployment

## Appendix 5

### Model Substance Abuse Testing Policy Job Applicants, (continued)

Compensation and Family Medical Leave and for a period of 30 days beyond the termination of the benefit, nor will an "applicant" be any person separated from employment by this employer while receiving a non-mandated benefit from or on account of this employer for a period of 30 days beyond the separation.

#### 1. Substances to be tested for

- a. test procedure to be used and cut off limit for positive screening test.

(1) Screening will be the Emit (Enzyme Multiplied Immunoassay Test) methodology

(2) Substances	Screening Concentration
	<u>Cut Off (In Urine)</u>
Alcohol	0.02 G/100 ML
Amphetamine/Methamphetamine	1000 NG/ML
Barbiturates	300 NG/ML
Benzodiazepines	300 NG/ML
Cannabinoids	50 NG/ML
Cocaine and/or Metabolites	300 NG/ML
Methadone	300 NG/ML
Methaqualone	300 NG/ML
Opiates	2000 NG/ML
Phencyclidine	25 NG/ML

- b. test procedure to be used and cut off limit for positive confirmation test.

(1) Confirmation test will be by GC/MS (Gas Chromatography/Mass Spectrometry) methodology

(2) Substances Confirmation Concentration



## Appendix 5

### Model Substance Abuse Testing Policy Job Applicants, (continued)

	<u>Cut Off (In Urine)</u>
6-acetyl morphine (only if morphine>2000)	10 NG/ML
Alcohol	0.02 G/100ML
Amphetamine/Methamphetamine	500 NG/ML
Barbiturates	300 NG/ML
Benzodiazepines	200 NG/ML
Cannabinoids	15 NG/ML
Cocaine and/or Metabolites	150 NG/ML
Methadone	300 NG/ML
Methaqualone	300 NG/ML
Opiates (Morphine, codeine)	2000 NG/ML
Phencyclidine	25 NG/ML

## 2. Testing of Applicants

*Classifications or position titles to be tested:*

[List classifications or positions to be tested (may be "All")]

Substance abuse tests will be administered only to those applicants who are in the above classification or position titles who (1) have been offered employment with the Company or who have been offered a position by the Company on a roster of eligibility from which applicants shall be selected for employment.

## C. ACTIONS TO BE TAKEN

*Action to be taken for refusal to submit to a test:* Applicant will not be hired

*Action to be taken between a test and receipt of test results:* Applicant will not be hired

*Action to be taken based on a confirmed positive result from a test of an applicant:*  
Applicant will not be hired

## Appendix 5

### Model Substance Abuse Testing Policy Job Applicants, (continued)

#### **D. TESTING PROCEDURES:**

##### **1. Identify sample collection facility or facilities**

[List name and address of sample collection facility or facilities]

##### **2. Method of sample collection**

###### *a. Procedure to segregate a portion of the sample at applicant's request:*

At the request of the applicant, at the time the test sample is taken, a portion of the sample collected, sealed, and labeled according to State regulations and these procedures, will be segregated for that person's own testing. This sample will be stored by the laboratory and chain of custody shall be maintained as provided in this policy. Within 5 days after notice of the test result is given to the applicant, the applicant shall notify the employer and the facility of the testing laboratory selected for that person's own testing. The laboratory so selected must be licensed by the Maine Department of Health and Human Services. The employer's laboratory shall promptly send the segregated portion of the specimen to the selected laboratory, subject to the same chain of custody and security requirements as observed for the employer's specimen.

The applicant will be required to pay for the segregation of a second sample as well as the expense of said additional testing only if and when the applicant notifies the employer that the applicant actually wishes the test to be made and the applicant notifies the employer of the choice of laboratory to which the second sample is to be sent.

###### *b. Procedure to collect:*

The employer will not require an applicant to remove any clothing for the purpose of collecting a urine sample, except that the employer will require that an applicant leave any personal belongings other than clothing and any unnecessary coat, jacket or similar outer garments outside the collection area.

No applicant may be required to provide a urine sample while being observed, directly or indirectly, by another individual.

(If employer's policy calls for specimen assessment) *Each urine specimen will be assessed by the person in charge of collection, in the presence of the applicant by measuring:*

*A. The temperature of the specimen within three (3) minutes of voiding - must be between 97-99 degrees F. (unless the applicant's temperature is higher than 99 degrees or lower than 97 degrees F.)*

*B. The PH of the specimen - must be between 5-8.*

## Appendix 5

### Model Substance Abuse Testing Policy Job Applicants, (continued)

*and by evaluating the odor and color of the specimen for other signs of contamination. If the specimen does not meet any of these assessment standards, the specimen will be rejected and the applicant will be given an opportunity to provide a second specimen. The applicant will remain under observation at the medical facility and may be given liquids until the second specimen is provided. If the second specimen fails to meet any assessment standard, the employer may deny employment to the applicant and neither specimen will be tested for substances of abuse.*

### 3. Storage of Sample

#### A. At collection point:

Samples will be collected in new, clean containers manufactured for the purpose of urine collection. Immediately after assessment, the container will be sealed with tamper-proof tape and labeled in the presence of the applicant. The seal will cover the cap and extend over the sides of the container. The label will contain the date and time of collection, and the identifying number of the applicant. All information on the label will be written clearly and with indelible ink. Samples will be transported or shipped promptly to the testing laboratory in a secure fashion, so as to prevent tampering. If shipment or transport is not feasible, the specimen shall be refrigerated within one hour, at less than 6 C for no more than three days, or frozen at -20 C or less, for no more than two weeks before shipment.

#### B. At laboratory:

All positive specimens will be retained by the laboratory in the original containers in secure storage at freezing temperatures (-20 C or less) for at least 6 months. Should legal challenge occur, the specimen will be retained throughout the period of resolution of the challenge.

### 4. Chain of Custody

#### A. Labeling and Packaging:

Immediately upon collection of each sample, a chain of custody record will be established for that sample, indicating the identity of each person having control over the sample, and the times and dates of all transfers or other actions pertaining to the sample.

#### B. Transport:

Samples will be picked up from the facility within 24 hours of collecting the sample and will be transported in a secure fashion, so as to avoid tampering. Each person who takes custody of the sample in the course of transport will record on the chain of custody log the date, time, transporter's name and employer's name, origin and destination of the sample.

## Appendix 5

### Model Substance Abuse Testing Policy Job Applicants, (continued)

#### C. At Lab:

When a sample arrives at the lab, the person receiving the sample shall record the time of receipt and the location of each sample in the lab's storage system. Any technician or other person who removes the sample from storage or opens the sample shall record the date, time, their name and purpose for removal or opening of the sample.

#### 5. Identify testing laboratory:

*NAME:* [Name and address of testing laboratory or laboratories]

*ADDRESS:*

#### 6. Procedure for notifying applicant of the result

The applicant will be notified by personal telephone call and confirmed by mail unless the applicant otherwise instructs.

All laboratory reports, including the screening, confirmation and quality control data shall be reviewed by the *[title of employer representative to receive report]* as accurate. The report will identify the name of the laboratory, the drugs and metabolites tested for, whether the test results were negative or confirmed positive, and the cutoff levels for each substance. The report will include any available information concerning the margin of accuracy and precision of the test methods employed.

A. Unless agreed upon by the applicant, no report will show the quantity of substance detected, but only the presence or absence of that substance relative to the cutoff level.

B. No report will show that a substance was detected in a screening test, unless the presence of the substance was confirmed in the confirmatory test. Test results will be randomly delayed from 2 to 5 days so that the employer cannot gauge screening test results from the time results are reported. In addition, all testing will be billed to the employer at a single rate per sample tested (which may be periodically adjusted by the laboratory).

C. No substance may be reported as present if the employer did not request analysis for that substance.

D. Reports of samples segregated at the applicant's request, for testing by the applicant's choice of laboratory, will be provided to the applicant and to the employer. Unless the applicant consents, all test results and any information acquired by the employer in the testing process is confidential and may not be released to anyone except the applicant tested. This requirement

## Appendix 5

### Model Substance Abuse Testing Policy Job Applicants, (continued)

applies to the personnel of all laboratories involved and to the employer. However, this does not prevent the disclosure of results or information if:

1. Release of information is required or permitted by state and federal law including release under 26 M.R.S.A. Sec. 683 (8) (D), or
2. The use of this information is part of any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of test results.

The results of any test may not be required, requested or suggested by the employer to be used in any criminal proceeding as provided by 26 M.R.S.A. Sec. 685 (3) (B).

E. The laboratory shall retain records of confirmed positive results in a numerical or quantitative form for at least two years.

### **7. Procedure for an applicant to appeal and contest the accuracy of a confirmed positive result.**

If the applicant chose to segregate a portion of their sample and elects to submit that sample to a laboratory of their choice, the results of the second test will be controlling. To appeal the results of a confirmed positive result in lieu of testing the segregated sample, the applicant must fill out and sign the attached "Substance Abuse Test Appeal" form submitting information explaining or contesting the results, within five (5) working days after notice of a confirmed positive test result. The appeal process will be conducted without cost to the applicant. The applicant will then be scheduled to meet within 14 days with *[list title(s) of person(s) who will review the appeal]*. The applicant will explain the basis for the appeal and may be asked questions. After the meeting concludes, a written report of findings and conclusions will be prepared and a copy sent to the applicant.

## **Appendix 6**

### **Controlled Substances, Drug Names, and Classifications**

This is a list of some common drug names; it is not meant to be all-inclusive.

#### **Controlled Substances and Drug Names\*:**

##### **Cannabinoids\*:**

- Hashish
- Marijuana
- Tetrahydrocannabinol (THC)

##### **Depressants:**

- Barbiturates\*
- Benzodiazepines\*
- Glutethimide
- Methaqualone\*

##### **Hallucinogens:**

- Amphetamine Variants\*
- LSD
- Mescaline and Peyote
- Phencyclidine (PCP, angel dust)\*
- Phencyclidine Analogs

##### **Narcotics:**

- Codeine
- Heroin\*
- Hydromorphone
- Meperidine (Pethidine)
- Methadone\*
- Morphine\*
- Opium\*

##### **Stimulants:**

- Amphetamines\*
- Cocaine\*
- Methylphenidate
- Phenmetrazine

\* Substances currently approved for drug testing under Maine law.